

Judge Lynn N. Hughes

Courtroom 11-C, Eleventh Floor  
United States Court House  
515 Rusk Avenue, Room 11122  
Houston, Texas 77002-2605  
(713) 250-5900  
[LNH@txs.uscourts.gov](mailto:LNH@txs.uscourts.gov)

*Dawna Kelly*, Case Manager  
United States District Clerk  
Post Office Box 61010  
Houston, Texas 77208-1010  
(713) 250-5516  
[Dawna\\_Kelly@txs.uscourts.gov](mailto:Dawna_Kelly@txs.uscourts.gov)

## Procedures

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NOTE: This is helpful information. It does not supersede formal rules or common sense.

1. Contact with Court Personnel.

- A. Make case-related inquiries to the case manager only.
- B. Inquiries to the case manager should be by letter unless it is about a setting in the next 14 days, a criminal case, or a real emergency.
- C. Counsel should alert the case manager to matters really requiring prompt attention, like immediate travel requests.
- D. Get information about the filing of documents, entry of orders, or docket entries from the computer or from the docket section at (713) 250-5115 or (800) 745-4459.
- E. Lawyers must not initiate calls to the law clerks.
- F. Letters.
  - (1) Do not write case-related letters. Put your message in a document with the case style.
  - (2) Case-related documents must be addressed to:

United States District Clerk  
Post Office Box 61010  
Houston, Texas 77208-1010

2. Emergencies.

- A. In an emergency when the case manager cannot be reached, please call the judge's secretary at (713) 250-5900.
- B. Applications for immediate relief must be made through the Intake Section of the Clerk's Office, 515 Rusk Avenue, Room 1217, Houston, Texas; (713) 250-5526.
- C. Motions for extension of deadlines are not emergencies.
- D. Counsel should send a copy of emergency motions directly to chambers so that they quickly reach the court's attention.
- E. For after hours emergencies, call the judge at home. The number is in the phone book.

3. Continuances.
  - A. Joint agreements or motions for continuance are not binding, and they will be granted only at the court's discretion.
  - B. The court will respect counsel's vacations.
4. Appearances.
  - A. Counsel will appear for all settings.
  - B. An attorney who appears at a hearing or conference must:
    - (1) Know the case thoroughly;
    - (2) Have authority to bind the client; and
    - (3) Be in charge for that appearance.
  - C. Out-of-town counsel may request to appear by telephone by writing to the case manager well in advance of the setting; the case manager will not confirm the request. The court disapproves of geographical one-upmanship; consider the convenience to out-of-town counsel.
  - D. Notify the case manager immediately when something is resolved.
5. Motion Practice.
  - A. The court will allow oral motions.
  - B. Generally, the court will set a hearing on the motion after the date for a response has passed. The court will notify counsel of the hearing date.
  - C. Counsel may agree to extend the submission date except when the extension violates a court-imposed deadline. File, as a pleading, a one-page memorandum of the agreement.
  - D. The court will hear oral motions that affect discovery or scheduling, when necessary, as soon as both counsel can appear in person or by telephone.
  - E. Extract only the parts of depositions necessary for the motion. Counsel are encouraged to furnish the court with deposition pages with their submissions

marked by vertical lines with the margin - one for plaintiff and two for defendant; this allows easier reading by the court and jury than a page-and-line key.

6. Pretrial conferences.

- A. At every pretrial conference, counsel must be prepared to address the facts and law, all pending and anticipated motions, jurisdictional and procedural matters, narrowing substantive issues, and stipulations. The court will dismiss claims and defenses with no realistic, articulable factual or legal basis.
- B. The court uses pretrial conferences to narrow issues, limit discovery, and set cases for a speedy trial to use the parties and the taxpayers' money efficiently.

7. Required Pretrial Materials.

A. Joint Pretrial Order

- (1) Counsel for the plaintiff is responsible for filing the joint pretrial order on time. Follow the form in the local rules, adapting it within reason to the size and type of case.
- (2) Joint pretrial orders must be signed by all counsel.
- (3) Four copies of each party's exhibit and witness lists must be filed with the pretrial order.

B. Other Required Documents

With the filing of the pretrial order, each party also must file as separate documents (captioned, signed by counsel, and with service certified):

(1) Jury Trials

- (a) Proposed topics for voir dire examination.
- (b) Proposed jury instructions, including definitions, with authority. Omit the customary prefatory instructions; the court will use its own.
- (c) Proposed interrogatories.

(2) Non-Jury Trials

- (a) Proposed findings of fact, with agreed and contested findings separated.
- (b) Proposed conclusions of law.

8. Trial Settings.

- A. A case will be set for trial on a specific week; if it is not reached that week, it will remain on an indefinite stand-by. Counsel should notify the case manager in writing of potential scheduling conflicts.
- B. Unless an attorney has actually begun trial in another court, earlier settings will not cause a case to be passed.
- C. Judge Hughes will respect bona fide vacation plans at all seasons.
- D. Announcements of settlement must be followed by the closing papers within ten days. The court will deal harshly with parties using collapsed settlements to get past settings.

9. Exhibits.

- A. All exhibits must be marked and exchanged among counsel before trial.
- B. All exhibits will be offered and admitted into evidence as the first item of business at the trial.
- C. Counsel need not furnish the court with a copy of the exhibits before trial.

10. Equipment.

- A. Easels with writing pads and a light box for x-rays are available for use in the courtroom.
- B. Counsel are responsible for furnishing sound or video equipment. Tell the case manager in advance so that arrangements can be made to have them admitted to the building.

11. Courtroom Procedures.

- A. Hours. Ordinarily for jury trials, court will convene at 9:00 a.m. and adjourn at 4:30 p.m., recessing for lunch between noon and 1:30 p.m., with a 20-minute

recess in mid-morning and mid-afternoon. Hearings and bench trials may have variable hours.

- B.   Telephones.   Telephone messages for counsel will not be taken by the judge's staff. Counsel may not use telephones in chambers.
- C.   Filing Documents.   Documents submitted for filing immediately before and during the course of a trial will be filed with the district clerk's intake section with a copy furnished to the judge.
- D.   Decorum.
  - (1)   Civilized, professional behavior is required.
  - (2)   Counsel will ensure that the parties, their friends and relatives, and witnesses refrain from chewing gum, drinking, eating, or reading non-legal materials in the courtroom.
  - (3)   Counsel will ensure that those people do not comment or gesticulate in the courtroom or quarrel in the court house.
- E.   Witnesses.
  - (1)   Counsel will summon witnesses into the courtroom and instruct them on courtroom decorum.
  - (2)   Counsel must obtain permission to approach a witness.
  - (3)   The court is unlikely to recess to permit counsel to call a missing witness unless he has been subpoenaed and has failed to appear.
- F.   Seating.
  - (1)   The court does not designate seating at counsel tables; this is determined first come first served on the first day of trial.
  - (2)   Once counsel have determined their seating, the reporter will note their position on a chart for the court; once trial has begun, counsel may not change seats except at the court's direction.
  - (3)   Once seated, no one before the bar—not counsel, parties, nor assistants—is to leave the courtroom, except with permission or at a recess.

- (4) Enter and leave the courtroom only by the front doors; do not use the court's doors at the end of the courtroom
    - (5) Remain seated or stand at the podium while questioning witnesses. No wandering.
    - (6) Stand to make objections; remain standing until the judge has ruled.
  - G. Deliberations. While the jury is deliberating, counsel must remain near the courtroom to be immediately available.
  - H. Ex-juror contact. After the jury and counsel are excused, counsel may contact jurors as the individual juror may wish.
12. Voir Dire.
- The court will conduct the examination of the venire. At some trouble to the court and jurors, counsel are furnished extensive questionnaires about the panel. Use them.
13. Depositions.
- A. The court encourages the parties' agreement to use a deposition at trial even though the witness is available; otherwise, follow Rule 32(a)(3).
  - B. Depositions may be filed with the case manager immediately before trial if they are to be used.
  - C. Counsel will designate the portion of a deposition to be read by citing pages and lines in the joint pretrial order. Objections to those portions (citing pages and lines) with supporting authority must be filed before the day of trial; the court will rule on the objections before the trial begins.
  - D. Use in Court.
    - (1) Bench. The judge will read all deposition evidence for himself; if the parties prefer, they may file summaries.
    - (2) Jury. The jurors will read the deposition evidence for themselves from copies counsel furnish.

[End]